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10/824,208	04/14/2004	Quenton L. Gilbert	C02-0005-001	6064

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CINGULAR WIRELESS LLC
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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/824,208	Applicant(s) GILBERT, QUENTON L.	
	Examiner Lisa Hashem	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-11, 12-17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Pat. No. 6,580,784 by Rodriguez et al, hereinafter Rodriguez.

Regarding claim 1, Rodriguez discloses a method of routing a text message to a second destination associated with a called party where a first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30) comprising the steps of:

receiving a call to the first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30); based on the unavailability of the first destination, requesting a voice message from the calling party (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);

receiving the voice message provided by the calling party (col. 3, lines 46-65; col. 4, line 44 – col. 5, line 30);

converting the voice message into a text message based on determining an appropriate text format required by the second destination (col. 6, line 66 – col. 8, line 3),

the text format being determined by retrieving formatting information for a selected device from a database, the database including routing information for a plurality of communication devices

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and a selected device designation, the routing information including a list of directory numbers and formatting information for corresponding communication devices (col. 6, line 66 – col. 8, line 3); and forwarding the text message to the second destination associated with the called party, wherein the second destination can be a communications device comprises the selected device designated in the database (col. 6, line 66 – col. 8, line 3).

Regarding claim 2, the method of Claim 1, wherein Rodriguez further discloses the plurality of communication devices are capable of receiving text messages (col. 3, lines 54-56; col. 6, line 66 – col. 8, line 3).

Regarding claim 3, the method of Claim 2, wherein Rodriguez further discloses the plurality of communication devices can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (col. 6, line 66 – col. 8, line 3).

Regarding claim 4, the method of Claim 1, wherein Rodriguez further discloses further comprising the step of receiving additional information from the calling party (col. 3, lines 35-65).

Regarding claim 6, the method of Claim 4, wherein Rodriguez further discloses the additional information comprises an identification of the calling party (col. 4, line 61 – col. 5, line 30).

Regarding claim 7, the method of Claim 1, wherein Rodriguez further discloses the requesting step is performed in response to a Busy/No Answer trigger (col. 3, lines 35-45).

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Regarding claim 8, the method of Claim 1, wherein Rodriguez further discloses further comprising the step of receiving routing information of the second destination from the called party (col. 6, line 66 – col. 8, line 3).

Regarding claim 9, the method of Claim 1, wherein Rodriguez further discloses the step of disconnecting the calling party after receiving the voice message provided by the calling party (col. 4, line 44 – col. 5, line 30).

Regarding claim 11, the method of Claim 1, wherein Rodriguez further discloses further comprising the step of receiving a personal identification number, wherein the personal identification number determines which one of the plurality of communication devices comprises the second destination (col. 2, lines 54-64; col. 6, lines 16-27).

Regarding claim 12, Rodriguez discloses a system of routing a text message to a second destination associated with a called party where a first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30) comprising the steps of:

A first switch (Fig. 1a, 110) for receiving a call to a first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);

A network element (Fig. 1a, 140), coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);
receiving the voice message provided by the calling party (col. 3, lines 46-65; col. 4, line 44 – col. 5, line 30);

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a voice recognition means, coupled to the network element (col. 7, lines 30-35), for converting the voice message into a text message based on determining an appropriate text format required by the second destination (col. 6, line 66 – col. 8, line 3), the text format being determined by retrieving formatting information for a selected device from a database (Fig. 1b, 150; Fig. 4, 420), the database including routing information for a plurality of communication devices and a selected device designation, the routing information including a list of directory numbers and formatting information for corresponding communication devices (col. 6, line 66 – col. 8, line 3); and a second switch (Fig. 1b, 150), coupled to the network element, wherein the network element forwards the text message to the second destination associated with the called party via the second switch, wherein the second destination can be a communications device comprises the selected device designated in the database (col. 6, line 66 – col. 8, line 3).

Regarding claim 13, the system of Claim 12, wherein Rodriguez further discloses the network element (Fig. 1a, 140) inherently comprises a service node (col. 3, line 35 – col. 4, line 38).

Regarding claim 14, the system of Claim 12, wherein Rodriguez further discloses the second destination communication device is capable of receiving text messages (col. 3, lines 54-56; col. 6, line 66 – col. 8, line 3).

Regarding claim 15, the system of Claim 14, wherein Rodriguez further discloses the communication device can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (col. 6, line 66 – col. 8, line 3).

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Regarding claim 16, the system of Claim 12, wherein Rodriguez further discloses the network element further performs the function of receiving additional information from the calling party (col. 3, lines 35-65).

Regarding claim 17, the system of Claim 16, wherein Rodriguez further discloses the additional information comprises an identification of the calling party (col. 4, line 61 – col. 5, line 30).

Regarding claim 19, the system of Claim 12, wherein Rodriguez further discloses the network element receives routing information of the second destination from the called party and stores the routing information in the database (col. 6, line 66 – col. 8, line 3).

Regarding claim 20, the system of Claim 12, wherein Rodriguez further discloses the network element disconnects the calling party after receiving the voice message provided by the calling party (col. 4, line 44 – col. 5, line 30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, as applied to claim 4 and 16, respectively, in view of U.S. Patent No. 6,085,231 by Agraharam et al, hereinafter Agraharam ('231).

Regarding claim 5, the method of Claim 4, wherein Rodriguez does not disclose the additional information comprises routing information of the second destination associated with the called party.

Agraharam ('231) discloses a method of routing a text message to a second destination associated with a called party where a first destination is unavailable (see Abstract) comprising the steps of:

receiving a call to the first destination (Fig. 1, 104) associated with a called party initiated by a calling party (Fig. 1, 101), wherein the first destination is unavailable;

based on the unavailability of the first destination, requesting a voice message from the calling party;

receiving the voice message provided by the calling party (col. 2, lines 32-42);

converting the voice message into a text message based on determining an appropriate text

format required by the second destination (Fig. 1, 116; col. 1, lines 28-31; col. 1, lines 44-48);

and

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forwarding the text message to the second destination associated with the called party, wherein the second destination can be a communications device (col. 2, line 43 – col. 3, line 44).

Wherein Agraharam ('231) further discloses the additional information comprises routing information of the second destination associated with the called party (col. 2, line 61 – col. 3, line 29).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rodriguez to include the additional information comprises routing information of the second destination associated with the called party as taught by Agraharam ('231). One of ordinary skill in the art would have been lead to make such a modification to permit a calling party to transmit a message to a device that the calling party believes will result in successful transmission of the message to the called party.

Regarding claim 18, the system of Claim 16, wherein Rodriguez does not disclose the additional information comprises routing information of the second destination associated with the called party.

Agraharam ('231) further discloses a system for routing a text message to a second destination (Fig. 1, 116) associated with a called party where a first destination is unavailable (see Abstract) comprising:

a first switch (Fig. 1, 105) for receiving a call to a first destination (Fig. 1, 104) associated with a called party initiated by a calling party (Fig. 1, 101), wherein the first destination is unavailable (col. 2, lines 22-34);

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a network element (Fig. 1, 106), coupled to the first switch (via the IXC network), for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 2, lines 32-42);

a voice recognition means (Fig. 1, 107), coupled to the network element, for converting the voice message to a text message based on determining an appropriate text format required by the second destination (col. 1, lines 28-31; col. 1, lines 44-48); and

a second switch (Fig. 1, 115), coupled to the network element (via the Internet), wherein the network element forwards the text message to a second destination associated with the called party via the second switch, wherein the second destination can be a communication device (col. 3, lines 15-44).

Wherein Agraharam ('231) further discloses the additional information comprises routing information of the second destination associated with the called party (col. 2, line 61 – col. 3, line 29).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rodriguez to include the additional information comprises routing information of the second destination associated with the called party as taught by Agraharam ('231). One of ordinary skill in the art would have been lead to make such a modification to permit a calling party to transmit a message to a device that the calling party believes will result in successful transmission of the message to the called party.

Response to Arguments

5. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
February 20, 2007

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

